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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,108	11/20/2003	Chen Shu	POU920030120US1	9891
23334	7590	06/01/2006	EXAMINER	
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			EBIRIM, EMEKA	
			ART UNIT	PAPER NUMBER
			2166	

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/718,108 Examiner Emeka Ebirim	SHU ET AL. Art Unit 2166
<b>Period for Reply</b>	<b>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</b>	

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 November 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 November 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/20/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Status***

1. Claims 1 – 22 are pending in this Office action.

The application has been examined. Claims 1 – 22 are rejected as detailed below and are pending in this office action.

### ***Drawings***

2. The drawings on the figures are objected to because they fail to show necessary textual labels of features or symbols in figures as described in the specification. For example, WSPQ, I/F on Fig. 2, are not descriptive. Using descriptive labels would give the viewer necessary detail to fully understand this element at a glance. A *descriptive* textual label for *each element* in these figures would be needed to fully and better understand these figures without substantial analysis of the detailed specification. Any structural detail that is of sufficient importance to be described should be shown in the drawing. Optionally, applicant may wish to include a table next to the present figure to fulfill this requirement. See 37 CFR 1.83. 37 CFR 1.84(n)(o) is recited below:

"(n) Symbols. Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval

by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) Legends. Suitable descriptive legends may be used, or may be required by the Examiner, where necessary for understanding of the drawing, subject to approval by the Office.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application with useful, concrete and tangible result.

5. Claims 11 – 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 17 – 22 are not limited to tangible embodiments. In view of Applicants' disclosure, specification page 22, line 5 – 15, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., [CD-ROM]) and intangible embodiments (e.g., [wireless communications]).

As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Claims 11 –16 are not limited to tangible embodiments in view of Applicant's disclosure.

These claims appear to constitute solely software per se and/or appear to constitute solely an abstract idea without any practical application. These claims do not indicate use of hardware on which the software runs to perform the steps recited in the body of the claim. The program does not appear to have been stored in a tangible storage medium therefore it is program per se. Software or program can be stored on a medium and/or executed by a computer.

In other words the software must be stored in a tangible medium. As such, these claims are not limited to statutory subject matter and are therefore non-statutory.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-4, 6-7, 11-12, 14, 17-18, 20 rejected under 35 U.S.C. 102(e) as being anticipated by Patent No: 6,829,599 to Chidlovskii (hereinafter Childlovskii).

Claim 1.

Chidlovskii discloses:

A method of searching for data, the method comprising the steps of [Col 3 lines 37-40]:

accepting a question from a client [Col 3 lines 41-43];

sending the question to a plurality of search services [query, each information source, Col 3 lines 55-57, Fig 1B-2];

receiving a plurality of results from one or more of the search services, wherein each of the results has an associated rank that is assigned by the search service from which the result is received [query, answers (results), results, ranked, information source, Col 3 lines 57-60, Col 5 lines 34-40, Fig 1B-2]; and

adjusting the associated rank of at least one result based upon a weight for the search service that assigned the associated rank, wherein the weight is assigned by at least one of a client specification and a default weighting specification [rank, ranking parameters, change (adjust), user feedback (client specification), Col 5 lines 49-55, Fig 1B-2].

Claim 2.

Chidlovskii discloses the elements of claim 1 and furthermore it discloses the step of sending at least one user preference to the plurality of search services [meta-search, user feedback (user preference), Col 5 lines 49-55].

Claim 3.

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Chidlovskii discloses the elements of claim 1 and furthermore it discloses the step of receiving a maximum rank possible from the search services, wherein the associated rank is relative to the maximum rank possible[ top ranked documents, Col 1 lines 61-66, Col 10 lines57-58, Fig 4b,5A-B].

Claim 4.

Chidlovskii discloses the elements of claim 1 and furthermore it discloses the step of sending a subset of the results to the client, the subset being selected in dependence upon the associated ranks of the results after the adjusting step [result filtered (subset), Col 5 lines 33-39].

Claim 6.

Chidlovskii discloses the elements of claim 1 and furthermore it discloses wherein the weight assigned by the client specification overrides the weight assigned by the default weighting specification [Col 5 lines 53-55].

Claim 7.

Chidlovskii discloses the elements of claim 1 and furthermore it discloses the step of receiving the question via at least one of the search services through an Application Program Interface [interface, Col 8 lines 11-12].

8. Subject matter of claims 11-12, 14, 17-18 and 20 are rejected in the analysis above in claims 1-4, 6-7 and these claims are rejected on that basis.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5, 13, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chidlovskii in view of Patent No: 6,370,527 to Singhal (hereinafter Singhal).

**Claim 5.**

Chidlovskii discloses the elements of claim 1 but it does not explicitly indicate the element of claim 5. Singhal disclose the claimed invention wherein the receiving step comprises storing the results in a result pool, and the method further comprises the step of retrieving the results from the result pool after a predetermined time [memory, store, results, predetermined period of time, Col 6 lines 63-65, Fig 4, Col 6 lines 38-40].

It would have been obvious to one of ordinary skill in the art of data processing to have combined the cited references because predetermined time as disclosed by Singhal would have enabled Chidlovskii to search all available portions of a distributed network without having to repeatedly reenter their search query [Singhal Col 1 lines 27-

30].

11. Subject matter of claims 13 and 19 are rejected in the analysis above in claim 5 and these claims are rejected on that basis.

12. Claims 8-10, 15-16, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chidlovskii in view of Patent No: 6,999,963 to McConnell (hereinafter McConnell).

Claim 8.

Chidlovskii discloses the elements of claim 1 but it does not explicitly indicate "natural language question". McConnell discloses the claimed natural language question [See McConnell Col 4 lines 56-57].

It would have been obvious to one of ordinary skill in the art of data processing to have combined the cited references because "natural language question" as disclosed by McConnell would have enabled Chidlovskii to provide a natural language interface to stored information [See McConnell Col 2 lines 54-65].

Furthermore it would enable Chidlovskii's system to provide users with easy and robust linguistic and conceptual variation for accessing the database in a more intuitive method [See McConnell Col 2 lines 54-65].

Claim 9.

The combination of Chidlovskii and McConnell discloses the elements of claim 8 as above and furthermore it discloses the step of sending a parsed representation of the natural language question to the search services [parsing, natural language query, See McConnell Col 41 lines 39-42].

Claim 10.

The combination of Chidlovskii McConnell discloses the elements of claim 8 as above and furthermore it discloses the step of sending a parsed representation includes the sub-steps of:

generating grammatical information describing the natural language question [See McConnell Col 41 lines 44-46]; and  
providing the grammatical information to at least one of the search services [See McConnell, Col 41 lines 62-64].

13. Subject matter of claims 15-16, and 21-22 are rejected in the analysis above in claims 8-10 and these claims are rejected on that basis.

***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emeka Ebirim whose telephone number is 571-272-3994. The examiner can normally be reached on 8:30pm - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam, can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emeka Ebirim  
Examiner  
Art Unit 2166

May 23, 2006

  
**KHANH B. PHAM**  
**PRIMARY EXAMINER**